

FOUNDATION COAL SUSAN A BARLOW
999 CORPORATE BLVD STE 300
LINTHICUM HEIGHTS, MD 21090-2227

BOOK 667 PAGE 348

DECLARATION OF OIL AND GAS NOTICE

Pursuant to West Virginia Code 22-6-36, the undersigned hereby declares:

- (1) The undersigned is the successor in interest and the current owner of one or more coal seams or workable coal beds as those terms are defined in Section 1 of this Article (i.e., Article 6 of Chapter 22 of the West Virginia Code).
- (2) The coal seams or workable coal beds owned by the undersigned lie under the surface of lands described as follows:

Indenture dated July 2, 1996, by and between CNG Coal Company, Grantor, and Cyprus Consolidated Resources Corporation, Grantee, of record in Book 354, page 629 of the Office of the Clerk of the County Commission of Wetzel County, West Virginia, and of record in Book 591, page 291 of the Office of the Clerk of the County Commission of Marshall County, West Virginia.

- (3) The undersigned desires to be given all notices of oil and gas operations provided by Sections 12, 13, 14, and 23 of said Article of the West Virginia Code, addressed as follows:

Foundation Coal Resources Corporation
158 Portal Road
PO Box 1020
Waynesburg, PA 15370

The benefits of the foregoing Declaration shall be personal to the declaring owner, and not transferable or assignable in any way.

FOUNDATION COAL RESOURCES CORPORATION

By: Susan A. Barlow

Its: Secretary

JAN PEST
MARSHALL County 11:21:45 AM
Instrument No 1251280
Date Recorded 04/04/2008
Document Type O&G
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Rec/Preserve \$5.00 \$1.00

STATE OF Maryland

COUNTY OF Anne Arundel

The foregoing Declaration of Oil and Gas Notice was acknowledged before me this
31st day of March, 2008, by Greg A. Walker, as
Secretary of Foundation Coal Resources Corporation, on behalf of
said corporation.

Marlyn V. Steven
Notary Public

My commission expires: 11-24-2011.

Please return to:

Document Prepared By:
Susan A. Barlow, Attorney
Foundation Coal Corporation
999 Corporate Blvd., Suite 300
Linthicum Heights, MD 21090
Phone: 410-689-7606

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 31st day of March 2008, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 4th day of April 2008, at 11:21 o'clock A.M.

TESTE:

Jax Pest
Clerk.